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English Language in Public Schools.

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English Language in Public Schools. Initiative Statute.

Official Title and Summary Prepared by the Attorney General

ENGLISH LANGUAGE IN PUBLIC SCHOOLS. INITIATIVE STATUTE.

- Requires all public school instruction be conducted in English.
- Requirement may be waived if parents or guardian show that child already knows English, or has special needs, or would learn English faster through alternate instructional technique.
- Provides initial short-term placement, not normally exceeding one year, in intensive sheltered English immersion programs for children not fluent in English.
- Appropriates \$50 million per year for ten years funding English instruction for individuals pledging to provide personal English tutoring to children in their community.
- Permits enforcement suits by parents and guardians.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Impacts on individual school districts would depend on how schools, parents, and the state respond to the proposition's changes. These impacts could vary significantly by district.
- Requires state spending of \$50 million per year for ten years to teach tutors of limited English proficient students. Total state spending on education, however, probably would not change.

Analysis by the Legislative Analyst

BACKGROUND

California's public schools serve 5.6 million students in kindergarten through twelfth (K-12) grades. In 1996-97, schools identified 1.4 million, or 25 percent, of these students as "limited English proficient" (LEP). These are students who cannot understand English well enough to keep up in school. Eighty-eight percent of the state's schools had at least one LEP student, and 71 percent had at least 20 LEP students.

Under current law, schools must make their lessons understandable to LEP students. To help schools address the needs of these students, the State Department of Education created guidelines for the development of local LEP programs. These guidelines state:

- The main goal of all programs is to make LEP students fluent in English.
- Programs must allow LEP students to do well in all school work. In some cases, this means teaching some subjects to LEP students in their home languages.
- Schools must allow all LEP students the option of being in bilingual programs. A bilingual program is one in which students are taught both in their home language and in English.
- Schools must allow parents to choose whether or not their children are in bilingual programs.

How Are Students Currently Served?

Schools currently use a range of services to help LEP students (1) learn how to speak, read, and write English; and (2) learn academic subjects (such as math, reading, writing, history, and science).

Services to Help Students Learn English. Almost all LEP students get special services to help them learn English. These services are often provided during a part of the school day, separate from lessons on regular academic subjects.

Services to Help Students Learn Academic Subjects. Most LEP students receive special help in their academic subjects in one of two basic ways:

- **Lessons That Use Special Materials.** About 40 percent of all LEP students are taught their academic subjects in English. The class materials and teaching methods for these students, however, are specially designed for students who do not speak English well.
- **Lessons That Are Taught in Students' Home Language.** About 30 percent of all LEP students are taught some or all of their academic subjects in their home languages. These are what people usually refer to as bilingual classes.

The remaining 30 percent of LEP students do not receive special help in their academic subjects. This is either because they do not need it or because the school does not provide it. These students are taught their academic subjects in regular classrooms.

How Long Do Students Receive LEP Services?

State guidelines say that schools should give LEP students special services until (1) they can read, write, and understand English as well as average English speakers in their grade; and (2) they can participate equally with fluent speakers in the classroom. Schools report that LEP students often receive special services for many years.

How Are LEP Services Funded? The state currently provides over \$400 million in special funds for students—both LEP and *non*-LEP—who need extra help to succeed in school. These funds are known as “compensatory” funds. Schools report that the majority of this money is spent for LEP students. In addition, schools may spend federal and local funds for special services for LEP students.

PROPOSAL

This proposition significantly changes the way that LEP students are taught in California. Specifically, it:

- Requires California public schools to teach LEP students in special classes that are taught nearly all in English. This would eliminate “bilingual” classes in most cases.
- Shortens the time most LEP students would stay in special classes. The initiative states that: (1) LEP students should move from special classes to regular classes when they have acquired a good working knowledge of English and (2) these special classes should not normally last longer than one year. This would eliminate most programs that provide special classes to LEP students over several years.

Exceptions. Schools would be permitted to provide classes in a language other than English if the child’s parent or guardian asks the school to put him or her in such a class *and* one of the following happens:

- The child is at least ten years old and the school principal and teachers agree that learning in another language would be better for the child.
- The child has been in a class using English for at least 30 days and the principal, teachers, and head of the school district agree that learning in another language would be better for the student.
- The child already is fluent in English and the parents want the child to take classes in another language.

If a school lets 20 or more LEP students in a grade choose to take their lessons in a language other than English, then the school must give such a class. If there are not 20 students or more, then the school must let the students go to other schools that have classes in those languages.

Funding Provisions. The initiative requires the state to provide \$50 million every year for ten years for English classes for adults who promise to tutor LEP students. In addition, the measure requires that any special funding currently spent on LEP students be maintained, if possible.

FISCAL IMPACT

School Costs and Savings

This proposition would result in several fiscal impacts on schools.

Savings. By limiting the time LEP students can be in special classes generally to one year, the initiative would reduce the number of special classes schools would have to offer. This could result in major savings for schools.

Costs. The proposition could also result in new costs to schools, for a number of reasons. For instance, the one-year special classes could be more expensive than existing classes if schools provide more intensive services. Schools may also need to give LEP students extra help in academic subjects once they are moved to regular classes if they fall behind other students.

Distribution of “Compensatory” Funds. The state provides “compensatory” funds to schools based in part on the number of LEP students. The proposition would likely reduce the number of students who are considered LEP at any given time. As a result, state funds would be allocated differently—some schools would get more compensatory funds and others would get less.

Net Impact on Schools. We cannot predict the proposition’s net impact on schools. It would depend in large part on how people respond to its passage, including:

- Parents’ decisions on the types of services they want for their children.
- Schools’ decisions on the types and levels of services provided to LEP students.
- State decisions on the allocation of “compensatory” funds it currently provides to schools with LEP students.

The net impact could vary significantly by individual school.

State Fiscal Effects

Under the proposition, the state would spend \$50 million each year for ten years for English classes for adults who promise to tutor LEP students. This provision, however, probably would not change total state spending for schools. (This is because the level of state spending for K–12 schools is generally based on a formula in the Constitution.) As a result, the costs to the state of this provision would likely reduce spending on other school programs by a like amount.

For the text of Proposition 227 see page 75



English Language in Public Schools. Initiative Statute.

Argument in Favor of Proposition 227

WHY DO WE NEED TO CHANGE CALIFORNIA'S BILINGUAL EDUCATION SYSTEM?

- Begun with the best of intentions in the 1970s, bilingual education has failed in actual practice, but the politicians and administrators have refused to admit this failure.
- For most of California's non-English speaking students, bilingual education actually means monolingual, SPANISH-ONLY education for the first 4 to 7 years of school.
- The current system fails to teach children to read and write English. Last year, only 6.7 percent of limited-English students in California learned enough English to be moved into mainstream classes.
- Latino immigrant children are the principal victims of bilingual education. They have the lowest test scores and the highest dropout rates of any immigrant group.
- There are 140 languages spoken by California's schoolchildren. To teach each group of children in their own native language before teaching them English is educationally and fiscally impossible. Yet this impossibility is the goal of bilingual education.

COMMON SENSE ABOUT LEARNING ENGLISH

- Learning a new language is easier the younger the age of the child.
- Learning a language is much easier if the child is immersed in that language.
- Immigrant children already know their native language; they need the public schools to teach them English.
- Children who leave school without knowing how to speak, read, and write English are injured for life economically and socially.

WHAT "ENGLISH FOR THE CHILDREN" WILL DO:

- Require children to be taught English as soon as they start school.
- Provide "sheltered English immersion" classes to help non-English speaking students learn English; research shows this is the most effective method.
- Allow parents to request a special waiver for children with individual educational needs who would benefit from another method.

WHAT "ENGLISH FOR THE CHILDREN" WON'T DO:

It will:

- NOT throw children who can't speak English into regular classes where they would have to "sink or swim."
- NOT cut special funding for children learning English.
- NOT violate any federal laws or court decisions.

WHO SUPPORTS THE INITIATIVE?

- Teachers worried by the undeniable failure of bilingual education and who have long wanted to implement a successful alternative—sheltered English immersion.
- Most Latino parents, according to public polls. They know that Spanish-only bilingual education is preventing their children from learning English by segregating them into an educational dead-end.
- Most Californians. They know that bilingual education has created an educational ghetto by isolating non-English speaking students and preventing them from becoming successful members of society.

WHO OPPOSES THE INITIATIVE?

- Individuals who profit from bilingual education. Bilingual teachers are paid up to \$5,000 extra annually and the program provides jobs to thousands of bilingual coordinators and administrators.
- Schools and school districts which receive HUNDREDS OF MILLIONS of extra dollars for schoolchildren classified as not knowing English and who, therefore, have a financial incentive to avoid teaching English to children.
- Activist groups with special agendas and the politicians who support them.

ALICE CALLAGHAN

Director, Las Familias del Pueblo

RON UNZ

Chairman, English for the Children

FERNANDO VEGA

Past Redwood City School Board Member

Rebuttal to Argument in Favor of Proposition 227

Several years ago, the 1970's law mandating bilingual education in California expired.

Since then local school districts—principals, parents and teachers—have been developing and using different programs to teach children English.

Many of the older bilingual education programs continue to have great success. In other communities some schools are succeeding with English immersion and others with dual language immersion programs. Teaching children English is the primary goal, no matter what teaching method they're using.

Proposition 227 outlaws all of these programs—even the best ones—and mandates a program that has *never* been tested anywhere in California! And if it doesn't work, we're stuck with it anyway.

Proposition 227 proposes

- A 180-day English only program with no second chance after that school year.
- Mixed-age classrooms with first through sixth graders all together, all day, for one year.

Proposition 227 funding comes from three wealthy men . . . one from New York, one from Florida, and one from California.

The New York man has given Newt Gingrich \$310,000!

The Florida man who put up \$45,000 for Proposition 227 is part of a fringe group which believes "government has no role in financing, operating, or defining schooling, or even compelling attendance."

These are not people who should dictate a single teaching method for California's schools.

If the law allows different methods, we can use what works. Vote NO on Proposition 227.

JOHN D'AMELIO

President, California School Boards Association

MARY BERGAN

President, California Federation of Teachers, AFL-CIO

JENNIFER J. LOONEY

President, Association of California School Administrators

English Language in Public Schools. Initiative Statute.



Argument Against Proposition 227

Proposition 227 imposes one untested method for teaching English on every local school district in California.

Proposition 227 puts limited English speaking children of *all ages* and languages into *one* classroom.

The California PTA opposes Proposition 227 because it takes away parents' right to choose what's best for their children.

The California School Boards Association opposes Proposition 227 because it *outlaws the best local programs* for teaching English.

California's teachers oppose Proposition 227—teachers can be *sued personally* for teaching in the children's language to help them learn English.

Outlawing decisions by parents, teachers, and school boards on how to teach children English is wrong.

Children in California must learn English.

In thousands of classrooms all over California, they are. Good teachers. Good local school boards. Good parent involvement.

Those successes are not the result of one instructional method imposed on every school by state government.

Sadly, there have been failures too. However, these failures can best be remedied by reasonable program changes that maximize local control.

California should be returning more decisions to parents, teachers, principals, and local school boards.

A growing number of school districts are working with new English teaching methods. Proposition 227 stops them.

The San Diego Union-Tribune Editorial said it best: "School districts should decide for themselves."

We urge you to join us, the California PTA, the California School Boards Association, and California's teachers in voting "NO" on Proposition 227.

JOHN D'AMELIO

President, California School Boards Association

MARY BERGAN

President, California Federation of Teachers, AFL-CIO

LOIS TINSON

President, California Teachers Association

Rebuttal to Argument Against Proposition 227

The arguments against Proposition 227 were signed by leaders of organizations whose members receive **HUNDREDS OF MILLIONS OF DOLLARS** annually from our failed system of **SPANISH-ONLY** bilingual education.

Because they can't defend bilingual education, they have resorted to attacks that are **FACTUALLY WRONG**.

Proposition 227:

- *Doesn't* impose an untested method of teaching English. Our method *has* been used successfully in the U.S. and worldwide.
- *Doesn't* eliminate choice or impose a single approach. Today, California schools are forced to use bilingual education despite parental opposition. We give choice to parents, not administrators.
- *Doesn't* require schools to mix together children of different ages. We allow such combined classes where necessary at the school's discretion, such as in rural areas with few students. This is *no different* than current law.
- *Doesn't* prohibit teachers or students from speaking

another language in class. This initiative only requires that school instruction be primarily in English. Teachers can still use some of the child's native language. Foreign language programs remain completely unaffected.

- *Doesn't* allow teachers to be sued for speaking a foreign language. Parents may only sue those who "*willfully and repeatedly*" refuse to obey the law and teach children in English.
- *Should* save huge amounts of money. Although we maintain *per capita* spending on English learners, once these children are quickly taught English and moved into regular classes, this extra funding ends.

The opposition's only true statement is that children must learn English. The current system fails to do this. Change is necessary.

JAIME A. ESCALANTE

East LA Calculus teacher portrayed in "Stand and Deliver"

Proposition 227: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure adds sections to the Education Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 3 (commencing with Section 300) is added to Part 1 of the Education Code, to read:

CHAPTER 3. ENGLISH LANGUAGE EDUCATION FOR IMMIGRANT CHILDREN
Article 1. Findings and Declarations

300. *The People of California find and declare as follows:*

(a) *Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and*

(b) *Whereas, Immigrant parents are eager to have their children acquire a good knowledge of English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and*

(c) *Whereas, The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and*

(d) *Whereas, The public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop-out rates and low English literacy levels of many immigrant children; and*

(e) *Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age.*

(f) *Therefore, It is resolved that: all children in California public schools shall be taught English as rapidly and effectively as possible.*

Article 2. English Language Education

305. *Subject to the exceptions provided in Article 3 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. Local schools shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification under Article 8 (commencing with Section 335) below.*

306. *The definitions of the terms used in this article and in Article 3 (commencing with Section 310) are as follows:*

(a) *"English learner" means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a Limited English Proficiency or LEP child.*

(b) *"English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language.*

(c) *"English language mainstream classroom" means a classroom in which the pupils either are native English language speakers or already have acquired reasonable fluency in English.*

(d) *"Sheltered English immersion" or "structured English immersion" means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language.*

(e) *"Bilingual education / native language instruction" means a language acquisition process for pupils in which much or all instruction, textbooks, and teaching materials are in the child's native language.*

Article 3. Parental Exceptions

310. *The requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. Under such parental waiver conditions, children may be transferred to classes where they are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which 20 pupils or more of a given grade level receive a waiver shall be required to offer such a class; otherwise, they must allow the pupils to transfer to a public school in which such a class is offered.*

311. *The circumstances in which a parental exception waiver may be granted under Section 310 are as follows:*

(a) *Children who already know English: the child already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores at or above the state average for his or her grade level or at or above the 5th grade average, whichever is lower; or*

(b) *Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's rapid acquisition of basic English language skills; or*

(c) *Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided and any such decision is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local Board of Education and ultimately the State Board of Education. The existence of such special needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.*

Article 4. Community-Based English Tutoring

315. *In furtherance of its constitutional and legal requirement to offer special language assistance to children coming from backgrounds of limited English proficiency, the state shall encourage family members and others to provide personal English language tutoring to such children, and support these efforts by raising the general level of English language knowledge in the community. Commencing with the fiscal year in which this initiative is enacted and for each of the nine fiscal years following thereafter, a sum of fifty million dollars (\$50,000,000) per year is hereby appropriated from the General Fund for the purpose of providing additional funding for free or subsidized programs of adult English language*

Text of Proposed Laws—Continued

instruction to parents or other members of the community who pledge to provide personal English language tutoring to California school children with limited English proficiency.

316. Programs funded pursuant to this section shall be provided through schools or community organizations. Funding for these programs shall be administered by the Office of the Superintendent of Public Instruction, and shall be disbursed at the discretion of the local school boards, under reasonable guidelines established by, and subject to the review of, the State Board of Education.

Article 5. Legal Standing and Parental Enforcement

320. As detailed in Article 2 (commencing with Section 305) and Article 3 (commencing with Section 310), all California school children have the right to be provided with an English language public education. If a California school child has been denied the option of an English language instructional curriculum in public school, the child's parent or legal guardian shall have legal standing to sue for enforcement of the provisions of this statute, and if successful shall be awarded normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Any school board member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the terms of this statute by providing such an English language educational option at an available public school to a California school child

may be held personally liable for fees and actual damages by the child's parents or legal guardian.

Article 6. Severability

325. If any part or parts of this statute are found to be in conflict with federal law or the United States or the California State Constitution, the statute shall be implemented to the maximum extent that federal law, and the United States and the California State Constitution permit. Any provision held invalid shall be severed from the remaining portions of this statute.

Article 7. Operative Date

330. This initiative shall become operative for all school terms which begin more than sixty days following the date on which it becomes effective.

Article 8. Amendment

335. The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute to further the act's purpose passed by a two-thirds vote of each house of the Legislature and signed by the Governor.

Article 9. Interpretation

340. Under circumstances in which portions of this statute are subject to conflicting interpretations, Section 300 shall be assumed to contain the governing intent of the statute.
